PETITION AND AFFIDAVIT OF MICHAEL F SEACHRIST.

Central National Bank,
a body corporate etc.,
Vs.
Emort L.Coblentz,
Charles C.Waters;
and Thaddeus M.Biser,
Trustees.

No. 8269 EQUITY.
In the Circuit Court
for Frederick County,
sitting as
a Court
of Equity.

To the Honorable Judges of said Court:-

The ammended Petition of Michael F.Seachrist,respectfully represents unto your Honors:-

1. That on the 14th day of February A.D.1908,the Complainant in the above entitled cause,filed a Bill of Complaint in your Honorable Court,for the purpose of having certain real estate of one August H.Ebert,bankrupt,sold under a decree of your Honorable Court,setting forth therein that it,the Complainant,is the payee in certain notes made by the said bankrupt and indorsed by one Edward J.Winebrenner Sr.,and that the said bankrupt and his wife exesuted a mortgage indemnifying the said Edward J.Winebrenner Sr.,and that the said notes are now due and owing,and the said mortgage inures to the benefit of said Complainant;all of which will appear by reference to said Bill of Complaint filed in this cause.

2. That in this proceedings the Central National Bank was made the Complainant and Emory L.Coblentz,Charles C.Waters,and Thaddeus M.Biser,Trustees of Augustus H.EBert,in Bankruptcy;and Emory L.Coblentz,Charles C.Waters and Thaddeus M.Biser Trustees of Elizabeth Ebert,in Bankruptcy;and Edward J.Einebrenner Sr.,were made defendants;and,subsequently,to-wit:on the 11th day of March A.D.1908,the said Edward J.Winebrenner Sr.filed a petition allegaing that he had paid a large portion of the indebtedness due said Bank;whereupon your Honors passed an order dismissing the said Winebrenner as a defendant and constituting him a plaintiff.

3. That your petitioner is a large creditor of the said Augustus H.Ebert,bankrupt,having filed his claim with the refree in Bankruptcy;and is advised,believes and so charges that the trustees in this cause are not representing his interests in this matter as they should be and that they are manifesting more solicitude and concern about the claim of the Central National Bank,in this matter, than about the other creditors,rights;and your petitioner futher charges that they have been passive and indifferent to the suit of the Central National Bank in this cause--virtually consenting to a passage of the decree for which the said Bank asks in this cause,as shown by the answer of the said Trustees filed in this causeand to which reference is hereby made.

4. That your petitioner filed in this cause an application and petition,on the 19th. day of February A.D.1908,alleging himself to be a bona fide creditor of the said bankrupt and that he had certain defences,which were meritorious,to interpose in this case to the granting of the relief for which the said bank prays and that the trustees would not urge nor introduce them.

5.That in andwer to this petition the trustees while stating that they are ready and willing to make every valid defence,practically deny that your petitioner has any sich defense and acceses him of being litigious and attempting to hinder, embarrass and delay the Central National Bank in the enforcement and prosecution of its rights,and your petitioner is therefore forced to the conclusion that they will not resist the suit of the Central National Bank,because they,the trustees,say that the Complainant is enforcing its rights in this behalf.